

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ZOIE SHERMAN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

WILLIAM KENNEY,

Respondent-Appellant.

UNPUBLISHED

September 20, 2007

No. 276926

Newaygo Circuit Court

Family Division

LC No. 05-006599-NA

Before: Bandstra, P.J., and Talbot and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the child. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The child was taken into the court's temporary custody in November 2005. The child's mother admitted she had multiple sexual partners at the time the child was conceived and was uncertain who was the child's father. Respondent was identified as the child's biological father pursuant to genetic testing in August 2006. Respondent signed a parent-agency agreement requiring that he address his lack of employment, housing, parenting skills, and emotional stability and his history of substance abuse. Respondent began visiting with the child in September 2006, but the visits were traumatic for the child, and the guardian ad litem moved to suspend the visits in December 2006. On January 17, 2007, petitioner filed a permanent custody petition seeking to terminate respondent's parental rights.

At trial, the psychologist who evaluated respondent testified that because of his cognitive limitations and his emotional problems, which included chronic low-level depression, attention deficit/hyperactivity disorder, and a generalized anxiety disorder, respondent had a significantly limited ability to parent Zoie. The social worker testified that she observed no bond in the visits between respondent and the child. She also found that respondent had failed to attend two of his counseling sessions and one of his parenting classes. There was a concern that respondent was not able to complete tasks without guidance and would not be able to parent independently. Evidence was presented that respondent had two other children who he had failed to financially support and with whom he had a limited relationship.

The foregoing evidence shows that the trial court did not clearly err in supporting respondent's parental rights under MCL 712A.19b(3)(g). MCR 3.977(G)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Richard A. Bandstra

/s/ Michael J. Talbot

/s/ Karen M. Fort Hood